

**KELLEY DRYE & WARREN LLP**

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

EX PARTE OR LATE FILED

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D. C. 20036

(202) 955-9600

NEW YORK, N.Y.

LOS ANGELES, CA.

MIAMI, FL.

CHICAGO, IL.

STAMFORD, CT.

PARSIPPANY, N.J.

BRUSSELS, BELGIUM

HONG KONG

AFFILIATED OFFICES

NEW DELHI, INDIA

TOKYO, JAPAN

FACSIMILE

(202) 955-9792

WRITER'S DIRECT LINE

(202) 955-9866

March 21, 1997

**VIA HAND DELIVERY**

William A. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RECEIVED  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**Re: Billed Party Preference for 0+ InterLATA Calls,  
CC Docket No. 92-77**

Dear Mr. Caton:

Intellicall, Inc. ("Intellicall") wishes to take this opportunity to comment on the proposal submitted by the Competitive Telecommunications Association ("CompTel") to the Federal Communications Commission (the "Commission") on November 13, 1996, in CC Docket No. 92-77.<sup>1</sup> In response to the Commission's request for further comments concerning the Commission's proposed real-time rate disclosure requirement, CompTel proposed that, as an alternative disclosure, every presubscribed carrier serving non-inmate aggregator payphones, regardless of the rates it charges, be required to provide an audible disclosure immediately after its carrier brand, which states substantially as follows:

<sup>1</sup> Billed Party Preference for 0+ InterLATA Calls, CC Docket No. 92-77.

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BONG. Thank you for using [carrier]. For assistance to obtain a rate quote press the # key [or any other sequence of digits designed by the carrier, including staying on the line]. To complete your call, enter your calling card number now.<sup>2</sup>

CompTel's proposal would not "permit carriers to re-dial a second number to obtain a rate quote."

Intellicall agrees with CompTel that the Commission's proposal which would require carriers exceeding specified benchmarks to provide real-time rate disclosure, "exceeds the Commission's statutory authority, and is technically infeasible to provide." Intellicall commends CompTel for suggesting an alternative disclosure in the form of a generally applicable rate availability announcement referenced above. While CompTel's alternative disclosure addresses many of the parties' concerns relating to the Commission's real-time rate disclosure proposal, however, CompTel's alternative proposal does not fully address the technical differences of store-and-forward payphones.<sup>3</sup> Intellicall discusses below these technical differences.

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<sup>2</sup> Comments of the Competitive Telecommunications Association (Nov. 13, 1996).

<sup>3</sup> The term "store-and-forward" refers to the pay telephone's ability to temporarily "store" limited information on such matters as length, date, and time of the call, as well as billing number, and, at a later time, "forward" this information to remote locations for call rating, billing, and collection. Typically, "store-and-forward" payphones contain circuit boards which enable the phones to offer consumers a wide array of services and functions without the need or expense of "live" operators or the same degree of telephone network usage as that required by local exchange carrier payphones.

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Intellicall has two types of store-and-forward payphones in the market today: UTRATEL, which comprises the majority of the embedded base of store-and-forward payphones; and ASTRATEL, which is Intellicall's "new generation" store-and-forward payphone. By design, "0+" rate structures<sup>4</sup> are not internal to either type of payphones, but are instead accessible from a central location. Because "0+" rate structures are not stored in the store-and-forward payphones themselves, but rather at a central location, the rate structures and associated functionalities resident in the remote central location technically must be imported into the memory of the store-and-forward payphones in order to provide a rating mechanism from the payphone itself. In order to successfully import these structures and functionalities, however, the payphone memory must have sufficient capacity to accommodate the voluminous rate tables and indices, as well as associated operating software. Herein lies the problem.

CompTel's proposal would not permit the carrier to require the caller to hang up and dial a second number to obtain a rate quote. Rather, under CompTel's proposal, once the carrier brand (i.e., bong tone) is transmitted to the user, the user has the option of either pressing the "#" key (or any other combination) or staying on the line to obtain a rate quote. To implement this capability from store-and-forward payphones, the rate structures must be present in the payphone memory. As discussed above, however, importing the rate structures into the payphone would require a significant amount of memory.

With respect to Intellicall's ULTRATEL payphones, there simply is no internal memory left to accommodate additional functionalities, let alone voluminous rate structures. More important, the ULTRATEL payphones cannot be retrofitted with an "expansion card." Put in very simple terms, the ULTRATEL payphones are technically incapable of being modified to increase their memory capacity. As a reasonable alternative, however, the speech file resident in the ULTRATEL payphones can be modified to provide verbal instructions advising callers on how to obtain a rate quote on each call, as follows:

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<sup>4</sup>

For purposes of this discussion, the term "rate structures" refers to "look-up" tables that permit calls to be properly rated based on any destination number dialed; the "exchange tables" which store an "index" to a rate band for each of the possible exchanges within an area code; "area code tables," which store an index to a "rate band" for each remaining area codes; and "rate band tables," which store the actual rates for each index, including differentials for distance and time-of-day.

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BONG. Thank you for using [carrier name]. To complete your call, please enter your calling card number now. For a rate quote, please hang up and press "\*0" (star-zero).

While the alternative described above would require the caller to hang up and dial a toll-free number to obtain a rate quote from the central location, the verbal notification nevertheless would ensure that consumers are aware of the availability of rate information and have access to same. This is consistent with the Commission's overarching consumer protection objectives and the requirements of the Telephone Consumer Services Improvement Act of 1990.

With respect to Intellicall's "new generation" ASTRATEL store-and-forward payphones, although these payphones were also not designed to house rating functionalities internally, they have enough design flexibility to accommodate an internal rating mechanism. With sufficient development time and money, these payphones can be retrofitted with additional memory and redesigned to accommodate the necessary rating functionalities internally. Intellicall estimates that it would cost approximately \$200,000 and would require between eight to fourteen months, barring unforeseen circumstances to, among other things, develop, test, and "debug" the computer software necessary to install the rate structures into the payphone memory, and "import" the rate structures into the payphone memory.

In light of the technical considerations explained above, Intellicall respectfully requests that the ULTRATEL store-and-forward payphones be exempted from CompTel's proposal. The Commission has the authority to "grandfather" these payphones and, indeed, has exercised that authority in other contexts in the past. In the alternative, Intellicall recommends that the ULTRATEL payphones be required only to provide verbal instructions advising callers on how to obtain a rate quote on each call, as described above. Intellicall would need between four to six months lead time to implement this proposal. As to the ASTRATEL payphones, Intellicall requests that Intellicall be given between eight to fourteen months from the time the Order becomes effective, barring unforeseen circumstances, to develop, test, and debug the software necessary to install the rate structures into the ASTRATEL payphone memory in order to implement CompTel's proposed alternative.

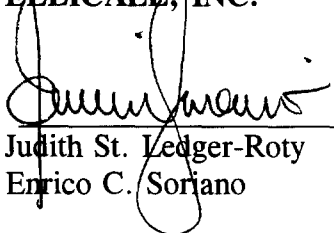
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Intellicall's reasonable requests will prevent any market displacement and "stranded" investments that will necessarily flow from the Commission's proposed real-time rate disclosure and, to some extent, from CompTel's alternative generally applicable rate availability announcement, while fully addressing the Commission's consumer protection objectives.

Very truly yours,

INTELLICALL, INC.

By:   
Judith St. Ledger-Roty  
Enrico C. Soriano

**KELLEY DRYE & WARREN**  
1200 19th Street, N.W.  
Suite 500  
Washington, D.C. 20036  
(202) 955-9600  
(202) 955-9792

**Counsel for Intellicall, Inc.**

cc: Mary Beth Richards, Esq.  
Timothy Peterson, Esq.  
John B. Muleta, Esq.  
Adrien Auger, Esq.  
Genevieve Morelli, Esq.  
Danny E. Adams, Esq.  
Steve A. Augustino, Esq.  
Albert H. Kramer, Esq.